



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: LASSEN=2A

In re Application of:  
Michael Rud Lassen et al.

Appln. No.: 09/978,272 /

Filed: October 17, 2001

For: ASSAY FOR DIRECTLY...

) Art Unit:

) Examiner:

) Washington, D.C.

) November 5, 2001

**ASSERTION OF SMALL ENTITY STATUS AND CLARIFICATION OF FEE INSTRUCTIONS**

On October 17, 2001, Applications filed the above-identified application. There are two issues that we wish to bring to the attention of Finance Branch and Application Branch.

**Small Entity Status**

It was and is applicants' intention to assert small entity status. The box "reduction of  $\frac{1}{2}$  for small entity" was checked and the "total filing fee" shown to be \$370. This was also the amount actually shown on the credit card payment form. However, the "applicant claims small entity status" box was not checked and the transmittal letter said that the credit card payment form authorized payment in the amount of \$370.

We believe that the credit card payment form controls and operates as an assertion under 37 CFR § 1.27 (c) (3). However, if we are mistaken, and the large entity fee was charged, then we hereby assert small entity status, and request refund of the excess fees paid by credit to our Deposit Account 02-4035.

**Additional Claim Fee**

In the "Claims as filed" spreadsheet on page 1 of the transmittal letter, we showed that we did not want to pay any additional claims fees by indicating that there were 30 extra claims yet only authorizing the payment of the small entity basic filing fee of \$370.

However, on page 3 we inadvertently failed to uncheck the box providing a blanket authoration to charge "any filing fees

Page 2  
November 5, 2001

under 37 CFR §1.16 for presentation of "extra claims", which is checked by default in our form letter.

We realize that these conflicting instruction create confusion, and the purpose of this communication is to make it clear that we did not and do not authorize filing fees for the presentation of extra claims (including fees for presentation of multiply dependent claims).

Respectfully submitted,

By: 

Iver P. Coper  
Registration No. 28,005  
Browdy And Neimark, P.L.L.C.  
Suite 300, 624 Ninth Street  
N.W. Washington D.C.  
20001-5303  
(202) 628-5197

: wrd